

### **REMARKS**

This responds to the Office Action dated January 19, 2007.

Claims 34, 47, 65, 66 are amended, no claims are canceled or added; as a result, claims 34-66 are pending in this application.

Applicant respectfully requests clarification regarding the status of claim 59. Applicant notes that claim 59 is omitted from the Office Action Summary and the Detailed Action. Applicant requests clarification in the next Office Communication regarding the status of claim 59. Applicant respectfully submits that claim 59 depends from allowed claim 38. Because claim 59 necessarily includes all of the recitations of allowed claim 38, Applicant respectfully requests corresponding allowance of claim 59.

Clarification and allowance of claim 59 are respectfully requested.

Additionally, Applicant respectfully requests clarification regarding the status of claim 61. Applicant notes that claim 61 is allowed according to the Office Action Summary and the Allowable Subject Matter section of the Office Action at page 3. However, the Office Action states at page 3, first paragraph, "Claims 34-37, 61-64 [are] rejected under 34 U.S.C. 103(a) as being unpatentable over Skubitz USPN 5,851,226 in view of Bush et al. USPN 5,674,272 or vice versa. Applicant respectfully submits that claim 61 depends from claim 60 which depends from allowed claim 38. Because claim 61 necessarily includes all of the recitations of allowed claim 38, Applicant respectfully requests corresponding allowance of claim 61.

Consideration and allowance of claim 61 are respectfully requested.

### **Interview Summary**

Applicant's representative, Tom Obermark, greatly appreciates the courtesies extended by the Examiner in the interview conducted on May 15, 16, 2007 and the Examiner's follow-up voicemail of May 18, 2007. In the interview, the claims, cited references and proposed amendment language were discussed. The Examiner indicated the claims as presently presented should distinguish over the cited references and would accordingly reexamine the claims.

§102 Rejection of the Claims

Claims 34-37 and 62-64 were rejected under 35 U.S.C. § 102(b) as being anticipated by Scott (U.S. Patent No. 5,005,587). Applicant respectfully traverses the rejections for at least the following reason. Applicant cannot find in Scott, for example, the plurality of conductors including at least a first conductor disposed within a second conductor, the first conductor including an active fixation device near the distal end, the first conductor rotatably interconnected with the second conductor, where rotation of the first conductor with respect to the second conductor axially moves the active fixation device with respect to the second conductor, and at least one coating is coated between the first conductor and the second conductor, as recited in claim 34. Claims 35-37 and 62-64 depend from claim 34 and thereby include all of its recitations.

Reconsideration and allowance of claims 34-37 and 62-64 are respectfully requested.

§103 Rejection of the Claims

Claims 34-37, 47-51 and 65-66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bush et al. (U.S. Patent No. 5,674,272) in view of Scott (U.S. Patent No. 5,005,587). Applicant respectfully traverses the rejections for at least the following reason. Applicant cannot find in the proposed combination of Bush and Scott, for example, the plurality of conductors including at least a first conductor disposed within a second conductor, the first conductor including an active fixation device near the distal end, the first conductor rotatably interconnected with the second conductor, where rotation of the first conductor with respect to the second conductor axially moves the active fixation device with respect to the second conductor, and at least one coating is coated between the first conductor and the second conductor, as recited in claim 34. Claims 35-37 depend from claim 34 and thereby include all of its recitations. Additionally, Applicant cannot find in the proposed combination, disposing the first conductor within the second conductor, the first conductor including an active fixation device near the distal end, the first conductor rotatably interconnected with the second conductor, where rotation of the first conductor with respect to the second conductor axially moves the active fixation device with respect to the second conductor, as recited in claim 47. Claims 48-51 and 65-66 depend from claim 47 and thereby include all of its recitations.

Reconsideration and allowance of claims 34-37, 47-51 and 65-66 are respectfully requested.

Claims 34-37 and 61-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Skubitz (U.S. Patent No. 5,851,226) in view of Bush et al. (U.S. Patent No. 5,674,272) or vice versa. Applicant respectfully traverses the rejections for at least the following reason. Applicant cannot find in the proposed combination of Bush and Scott, for example, the plurality of conductors including at least a first conductor disposed within a second conductor, the first conductor including an active fixation device near the distal end, the first conductor rotatably interconnected with the second conductor, where rotation of the first conductor with respect to the second conductor axially moves the active fixation device with respect to the second conductor, and at least one coating is coated between the first conductor and the second conductor, as recited in claim 34. Claims 35-37 and 62-64 depend from claim 34 and thereby include all of its recitations.

Reconsideration and allowance of claims 34-37 and 62-64 are respectfully requested.

Allowable Subject Matter

Applicant graciously acknowledges the allowance of claims 38-39, 52-57, 58 and 60-61.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence

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of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JON SCHELL

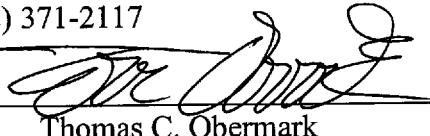
By his Representatives,

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Date

5/21/07

By



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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1480, Alexandria, VA 22313-1450 on this 21 day of May 2007.

Name

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Signature

